

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

JOHNSON & FREEDMAN, L.L.C.

PLAINTIFF

V.

No. 3:14-cv-26-MPM-SAA

MS DEFAULT RESOLUTION, L.L.C.

DEFENDANT

SHOW CAUSE ORDER

Plaintiff, Johnson and Freedman, L.L.C., has filed a complaint for damages pursuant to 28 U.S.C. § 1332 on grounds that complete diversity exists because the plaintiff limited liability corporation is a citizen and resident of Georgia and the defendant corporation is a citizen and resident of Mississippi.

The court has “an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party.” *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006). The citizenship of a limited liability company for diversity purposes is determined by the citizenship of all of its members. *Greenville Imaging, LLC v. Washington Hosp. Corp.*, 326 F. App’x 797, 798 (5th Cir. 2009). Information regarding the citizenship of all of the members of both plaintiff L.L.C. and defendant L.L.C. is absent from the complaint. The jurisdictional allegations in the complaint are, therefore, insufficient to establish the existence of diversity jurisdiction. *Mullins v. Testamerica Inc.*, 300 F. App’x 259 (5th Cir. 2008). “[T]he party seeking to invoke the jurisdiction of the federal court has the burden of proving that jurisdiction exists.” *Lawson v. Chrysler, LLC*, No. 4:08-cv-19-DPJ-JCS, 2009 WL 961226, at *3 (S.D. Miss. Apr. 7, 2009) (citation omitted). Therefore, the plaintiff is hereby ordered to show cause as to why this matter should not be dismissed due to the absence of diversity under 28 U.S.C. § 1332. The plaintiff shall have fourteen (14) days from the entry of this order to submit competent evidence identifying all of the members and the citizenship of each member of

each L.L.C. as of the date of the complaint, and to amend pursuant to 28 U.S.C. § 1653 as required.

SO ORDERED, this the 28th day of May 2014.

/s/ Michael P. Mills

CHIEF JUDGE

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF MISSISSIPPI